IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2716 OF 2006

1. Gurmeet Singh Pahuja and ors. .. Applicants
Vs.
The State of Maharashtra .. Respondent.

Ms Monica Sakhrani, for the applicants.
Mr S.V.More, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 3rd August, 2006

P.C.:

1. Heard the learned counsel for the applicants, and the learned A.P.P for the State.

2. By this application, the applicants have prayed for quashing of C.C.No.4047/PW/2005 pending before the learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai under sections 498-A and 406 r/w 34 of IPC against applicant nos 1 and 2. The complaint was filed by applicant no.3. Applicant nos 1 and 3 are husband and wife. Applicant no.3 and brother-in-law of applicant no.1 are present in the Court. The learned counsel for the applicants submits that parties have amicably settled the dispute and have filed the consent terms. A copy of the consent terms is annexed to the petition at Exhibit-B. Parties have decided to act on the consent terms only

after quashing of the aforesaid criminal case and a decree in terms of the consent terms will be passed thereafter. Applicant no.3, who is present in the court, accepts the statements made in the instant writ petition, as also in the consent terms and prays for quashing of the aforesaid criminal case filed by her under section 498-A and 406 of IPC.

3. The Supreme Court in **B.S.Joshi and Anr. Vs. State of Haryana and Anr. 2003(4) SCC 675** in similar situation in paragraph 14 and 15 of the judgment held thus:

> "14. There is no doubt that the object of introducing Chapter XX-A containing section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of Indian Penal Code."
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> 15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and section 320 of the Code does not limit or affect the powers under section 482 of the Code."

4. Keeping these observations in view and considering the averments made in the petition and also the consent terms (Exhibit-B), this is a fit case to quash the proceedings as prayed for. In the circumstances, this application is allowed in terms of prayer clauses (a) and (b). Prayer clauses (a) and (b) read thus:

> "(a) quash CC No.4047/PW/2005 before the Ld. Metropolitan Magistrates' 10th Court at Andheri, Mumbai under Sections 498-A and 406 read with 34 of IPC against applicant nos 1 and 2.
>
> (b) direct that Rs.5,74,500 recovered in CC No.4047/PW/2005 handed over to applicant no.3 remain with applicant no.3"

5. The criminal application is disposed of.

(D.B.Bhosale, J.)